

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
**ACH-2976 US**

First named inventor: Frans Lodewijk PLANTENGA

Application No.: 10/728,489

Art Unit: 1797

Filed: December 5, 2003

Examiner: Tam M. NGUYEN

Title: Heavy Feed HPC Process Using a Mixture of Catalysts

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

**1. Petition Fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity-fee \$ 1620.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in the form of Notice of Appeal (identify type of reply):

- ☒ has been filed previously on September 11, 2009.
- ☐ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Jeremy J. Kliebert

Type or Printed name

451 Florida Street

Address

Baton Rouge, Louisiana 70801

Address

December 17, 2009

Date

48,227

Registration Number, if applicable

225-388-8191

Telephone Number

Enclosures:

- ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

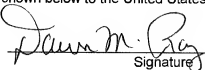
**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by EFS-web on the date shown below to the United States Patent and Trademark Office

December 17, 2009

Date



Signature

Dawn M. Ray

Typed or printed name of person signing certificate

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
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3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**Support for Petition to Revive**

Applicants did not receive the Advisory Action nor the Notice of Abandonment at the address of record. The facts surrounding this situation are set forth below, along with Assignee's response and comments.

**Summary of Relevant Facts**

In the present application, a change of address form, attached as Exhibit A hereto was filed on April 17, 2007, changing the address of record to the address associated with Customer Number 56744.

A change of power of attorney was also filed in the present application on December 19, 2005, and is attached hereto as Exhibit B.

During the prosecution of this application, and after the filing of both the Change of Address and Power of Attorney, the United States Patent and Trademark Office ("USPTO") continued to communicate with Mr. Louis Morris of Akzo Nobel's legal department at 7 Livingstone Avenue, Dobbs Ferry, New York 10522-3408. During Mr. Morris' time at the Dobbs Ferry address, he forwarded Assignee's mail to the correct address.

During the time of Mr. Morris' forwarding Assignee's mail, Assignee contacted the USPTO several times via telephone to inform the USPTO of the filing of the change of correspondence address and request a correction, but no correction was made.

On June 13, 2008, an Advisory Action was issued in the present application, and the Advisory Action was mailed to Mr. Louis Morris of Akzo Nobel's legal department at 7 Livingstone Avenue, Dobbs Ferry, New York 10522-3408.

Mr. Morris had relocated his office from the Dobbs Ferry address, and the Advisory Action issued by the Examiner was sent to Mr. Morris' Dobbs Ferry address. It was returned to the USPTO as undeliverable.

On August 10, 2009, the USPTO sent a Notice of Abandonment to Mr. Louis Morris of Akzo Nobel's legal department at 7 Livingstone Avenue, Dobbs Ferry, New York 10522-3408. It was also returned to the USPTO as undeliverable.

Attached as Exhibit C is the record now available from the PAIR system indicating the correct address associated with Customer Number 7982, but the incorrect customer number and incorrect listing of attorneys of record.

**Assignee's Comments and Remarks**

Assignee was unable to reply to the Advisory Action because it was not received, and the entire delay in responding to such Advisory Action was unintentional. In short, since Assignee did not receive the Advisory Action, it was not able to ascertain that the response to the Final Office Action was not entered and accepted as placing the application in condition for allowance.

APR 17 2007

**PCT Help Desk**  
**US Patent and Trademark Office**  
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**Facsimile: (571) 273-0419**

# Fax

<b>To:</b> OIPE	<b>From:</b> Shian Luong Special Programs Examiner
<b>Fax:</b> 571-273-8300	<b>Pages:</b> 12
<b>Phone:</b>	<b>Date:</b> 17 April 2007
<b>Re:</b> Change of Address	<b>CC:</b>

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

To Whom It May Concern:

Please see the attached request by applicant for the change of correspondence address. Please update the change.

Best regards,

Shian Luong  
PCT Special Programs Office  
USPTO  
[Shian.luong@uspto.gov](mailto:Shian.luong@uspto.gov)

APR 17 2007

**HOWREY**

2941 FAIRVIEW PARK DRIVE  
SUITE 200

FALLS CHURCH, VA 22042

PHONE: 703.663.3600 • DIRECT FAX: 703.852.7204

RECEIVED

APR 11 2007

PCT SPECIAL  
PROGRAMS OFFICE

Date: April 11, 2007

To: Name: PCT-Help Desk - URGENT

Company: USPTO

Fax Number: 571-273-0419

Phone Number: 571-272-4300

From: Name: Michael J. Bell

Direct Dial No. 703-663-3600

No. of Pages (including  
cover):

User ID: 4812

Message:

11

Charge No: 09101.0502.000000

Gentlemen:

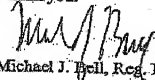
On January 5, 2007 we filed Change of Correspondence Address forms to move several applications to Customer Number 56744 from Customer Number 32894. This has still not been completed properly.

I have attached copies of the Change of Correspondence Address Application forms and the stamped postcard receipt.

Please forward to DOBO and have the updates completed as soon as possible. The change of address forms are already associated with each application.

If you have any questions, please contact Deborah White at 703-663-3751.

Thank you.

  
Michael J. Bell, Reg. No. 39604

DMS\_US20346334\_2

EXHIBIT A

Please indicate receipt of the below identified paper:

**PTO**

☐ New Application For: Type of Patent: **Priority Date:**

☐ **Fin** priority claimed **Fee Amt:** \$ 0 any fee not specified. Act No. 08-3003

☐ Continuation ☐ CIP ☐ Divisional ☐ CPA ☐ RCE

☐ Specifications: **Pages:** ☐ Drawings: **Sheets:**

☐ Response to Office Action Detail: ☐ Final Rejection

☒ Other: Mail Stop: EBC: Request for Change of Correspondence Address Transmittal-1 page: PTO8B/122-12 forms: PTO8B/123-43 Forms: 1 return postpaid.

☐ Assignment Enclosed ☐ Cost of Express Mailing ☐ Exp. Mail:

**IDENTIFICATION OF APPLICATION**

Serial No.: **Filing Date:** **Responsible Any. Ecl:**

Title: **DATE**  
JAN 05 2007

Applicant: **Entered By: Sargess**

Client: **Form File No. 80137.0001.000000**

To PTO VIA Hand Delivery on **Date: 1/5/2007** **Due Date: 1/5/2007**



APR 17 2007

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CORRESPONDENCE ADDRESS**  
*Application*Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	107726489
Filing Date	12-05-2003
First Named Inventor	Franz Plantinga
Art Unit	1764
Examiner Name	DOUGLAS, JOHN CHRISTOPHER
Attorney Docket Number	001370081WPUS01

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with  
Customer Number:

56744

OR

☐ Firm or  
Individual Name:

Address:

City:

State:

Zip:

Country:

Telephone:

Email:

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/65)
- ☒ Attorney or agent of record. Registration Number 59904
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Signature:

Typed or Printed  
Name:

Michael Bell

Date:

Telephone: 703-563-3500

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 182 and 35 CFR 1.14 and 1.16. This collection is estimated to take 3 minutes to complete, including reviewing, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



1/PW

Application Number: 10/728489  
Filing Date: 5 December 2003  
First Named Inventor: Frans Plantenga  
Title: Heavy feed HPC process using a mixture of catalysts  
Art Unit: 1764  
Examiner Name: Griffin, Walter Dean  
Attorney Docket Number: ACH2976US

POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM

TO: Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY REVOKE all previous powers of attorney given in the above-identified application.

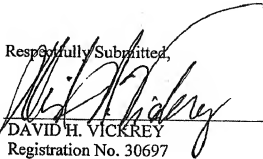
I HEREBY APPOINT practitioners associated with Customer Number 007982 as the attorneys or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

PLEASE CHANGE THE CORRESPONDENCE ADDRESS for the above-identified application to: The address associated with Customer Number 007982.

I am the Attorney of Record. Registration No. 30697. Please direct correspondence or inquiries regarding this matter to:

Marcy M. Hoefling  
Registration No. 33955  
Albemarle Corporation  
451 Florida Street  
Baton Rouge, Louisiana 70801  
Phone 225-388-7210  
Fax 225- 388-7239

Respectfully Submitted,

  
DAVID H. VICKREY  
Registration No. 30697



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10/728,489

Heavy feed HPC process using a mixture of catalysts

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---------------------------------	----------------------------------	-------------------------------------	------------------------------------	---------------------------------	-------------------------------------	------------------------------------

## Correspondence Address

Name: ALBEMARLE CORPORATION  
 Address: PATENT DEPARTMENT  
 451 FLORIDA STREET  
 BATON ROUGE LA 70801  
 Customer Number: 7982

## Attorney/Agent Information

Reg #	Name	Phone
25677	Fennelly, Richard	--
34054	Mancini, Ralph	914-674-5465
35608	McGillycuddy, Joan	914-674-5463
28100	Morris, Louis	773-320-6774
36123	Parker, Lainie	914-419-8797
30697	Vickrey, David	914-333-7449

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